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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,080	03/16/2001	Alexander Hilscher	B-06506	6286

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The Gillette Company
Prudential Tower Buildin
Boston, MA 02199

EXAMINER

SNIDER, THERESA T

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/811,080

Applicant(s)

HILSCHER ET AL.

Examiner

Theresa T. Snider

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 14, 17, 20, 21, 23-27, 34 and 35 is/are allowed.
- 6) ☒ Claim(s) 7-13, 15, 16, 18, 19, 22, 28-33 and 36-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims 1, 3 and 23 are generic and allowable. Accordingly, the restriction requirement as to the encompassed species is hereby withdrawn and claims, directed to the species of magnetic, optical waveguides, color sensor, mechanical, and capacitive are no longer withdrawn from consideration since all of the claims to this species depend from or otherwise include each of the limitations of an allowed generic claim.

Response to Amendment

2. The list of claims submitted 8/16/2004 does not correspond with the list of claims submitted 7/8/2004. PLEASE submit the proper claims to be considered during amendment.

Claim 1 of 8/16 does not correspond with the remarks or claim 1 of 7/8.

Claim 3 is in dependent form in 8/16 however in the remarks/claims of 7/8 it is in independent form.

Claim 23 of 8/16 does not correspond with claim 23 of 7/8.

Claims 24-25 and 27 are in dependent form in 8/16 however are in independent form in 7/8.

Claims 37-38 are cancelled in 7/8 but are withdrawn in 8/16.

Claim 39 is added in 7/8 but is not in 8/16.

Claim Rejections - 35 USC § 112

3. Claims 7-13, 15-16, 18-19, 22, 28-33 and 36-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

Claims 7-13, 15-16, 18-19, 22, 28-33 and 36-38, line 2, it is unclear as to what is meant by 'characterized in that'.

Claim 8, line 4, it is unclear as to what is meant by 'an encoding';

Line 5, 'coupled brushing or' should be inserted after 'the' to correspond with the previous occurrences;

Line 6, it is unclear as to what is meant by 'in particular'.

Claim 10, line 1, 'the encoding device' lacks proper antecedent basis. Should the claim be dependent from claim 3 rather than claim 1?

Line 5, it is unclear as to whether the 'a cleaning tool' is in addition to that of claim 1 or one in the same.

Claim 11, line 4, should 'handle section' be 'coupling section'?

Line 7, it is unclear as to what is meant by 'for example, a switch'.

Claim 12, line 3, it is unclear as to what is meant by 'longitudinally displaceable fashion'.

Claim 13, it is unclear as to what is being claimed. The claim is dependent from three claims. Is the 'a probe element' in addition to that of claim 10 or one in the same?

Claims 15-16 and 18-19, line 2, 'the encoding device' lacks proper antecedent basis.
Should the claim be dependent from claim 3 rather than claim 1?

Claims 15-16 and 18-19, line 4, 'coupled brushing or' should be inserted after 'the' to correspond with the previous occurrences;

Line 4, it is unclear as to what is meant by 'attached, particularly the interlock canceling element'.

Claim 15, line 3, it is unclear as to what is meant by 'an optical encoding'.

Claim 16, line 3, it is unclear as to what is meant by 'a magnetic encoding'.

Claim 18, line 3, it is unclear as to what is meant by 'a capacitive encoding'.

Claim 19, line 3, it is unclear as to what is meant by 'an electrical encoding'.

Claim 22, line 3, it is unclear as to what is meant by 'as interlock canceling element as by magnetization'.

Claims 28-33 and 36, line 1, 'brush or' should be inserted after 'The' to correspond with the previous claims.

Claim 28, line 2, it is unclear as to what is meant by 'provision is made';

Line 3, it is unclear as to what is meant by 'as interlock canceling element';

Line 4, 'brushing or' should be inserted after 'of the' to correspond with the previous occurrences;

Line 6, it is unclear as to what is meant by 'particularly by';

Line 7, it is unclear as to what 'it' refers.

Claim 29, line 2, it is unclear as to what is meant by 'as actuating section an actuating surface';

Line 3, it is unclear as to what is meant by 'in particular';

Line 4, it is unclear as to what is meant by 'or the like';

Line 5, 'the probe element or sensing element' lack proper antecedent basis.

Should the claim be dependent from claim 28 rather than claim 23?

Line 7, 'brushing or' should be inserted after 'of the' to correspond with the previous occurrences;

Line 8, should 'engagement surface' also include 'mating abutment' or is it only moved when it's the engagement surface?

Claim 30, line 4, 'brushing or' should be inserted after 'in the' to correspond with the previous occurrences.

Claim 31, line 5, 'brushing or' should be inserted after 'of the' to correspond with the previous occurrences.

Claim 32, line 4, 'brushing or' should be inserted after 'of the' to correspond with the previous occurrences;

Line 5, it is unclear as to what is meant by 'being constructed to protrude beyond the end in particular in the direction of the coupling motion'.

Claim 33, line 5, 'brushing or' should be inserted after 'of the' to correspond with the previous occurrences;

Claim 36, line 4, 'the body' lacks proper antecedent basis.

Claim 37, line 1, it is unclear as to what is meant by 'in particular toothbrush'. Is it or is it not a toothbrush?

Line 2, 'a handle' should be replaced with 'the handle';

Line 3, 'a cleaning tool should be replaced with 'the brushing or cleaning tool'.

Claim 38, line 1, it is unclear as to what is meant by 'in particular toothbrush'. Is it or is it not a toothbrush?

Line 2, 'a handle' should be replaced with 'the handle';

Line 3, 'a cleaning tool should be replaced with 'the brushing or cleaning tool';

Line 5, it is unclear as to how the handle section can be that of claim 1, which has the canceling element, when it does not have it. If it does not have it, what elements of claim 1 are supposed to be in the handle section? Just the drive mechanism?

Allowable Subject Matter

*** This is based on the 9/27 discussion with Mr. Howley stating that the claims submitted 7/8/2004 are the claims that are meant to be examined on amendment. If this is incorrect, the following may be corrected accordingly. ***

4. Claims 1-6, 14, 17, 20-21, 23-27 and 34-35 are allowed.
5. Claims 7-13, 15-16, 18-19, 22, 28-33 and 36-38 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Thursday (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Theresa T. Snider

Theresa T. Snider
Primary Examiner
Art Unit 1744

9/29/2004